

In Touch with WDMO

Your District Court News Source



January 2007

Notes from The Clerk of Court.....

This year, 2007, marks the 10th Anniversary of participation by the District Court for the Western District of Missouri in this "experiment" called Electronic Case Files. I guess it has been a success since at the completion of this decade of work the name has expanded to include the Case Management features and CM/ECF has become a way of life. With participation by the Bankruptcy Court beginning in March of 2001, we were one of the first Districts in the Country to become totally electronic and for that we THANK YOU. We could not have done it without your constant help and feedback.

As is the way of the world these days, we continue to have upgrades to the base software which makes this system run and you will be seeing information in this newsletter about just such an upgrade scheduled for January 13-15, 2007. While the system may be unavailable for a few days, we hope the end result is a system that works better for you and better for those of us on the Court side of the equation. Please let us know of suggestions you might have about how to continue this process of making it better for all.

January of 2007 also marks the end of the seven year term of Chief Judge Dean Whipple. The statute which steers the entire Chief Judge process dictates that number as the maximum length of service in the position. Judge Fernando J. Gaitan, Jr. will become the Chief Judge for the Western District of Missouri at 12:01 AM on January 22, 2007 and will assume all of the responsibilities of that position as delegated to him from the Director of the Administrative Office in Washington, DC. The Director, in fact, receives the authorities from the Chief Justice of the Supreme Court of the United States according to statute. Some, but not all, of the duties include personnel hiring and firing authority; budget and spending authority; and chairing the Court en banc which is responsible for all governance issues within the Western District of Missouri.

So, make yourself familiar with the contents of this newsletter and we will do our best to keep communicating to you from within the Court. The entire legal community benefits from an open forum for ideas and suggestions to aid in the process of bringing justice to all.

Pat Brune

Clerk of Court
U.S. District & Bankruptcy Courts
Western Missouri

DISTRICT CM/ECF VERSION 3

The Western District of Missouri has been an electronic court since 1997. As we near our ten year anniversary we are proud to announce that we will be installing Version 3 of the software during the weekend of January 13-15. District ECF will be unavailable beginning at 5:00 pm January 12 and will be again available no later than 7:00 am January 16. Please arrange to adjust your filings in anticipation of this scheduled upgrade.

Version 3 will have many internal changes that enhance the efficiency of the system but as attorney-filers there are few immediate changes to your procedures.

Reminders.....



- **Annual Attorney Fee**
STATEMENTS MAILED OUT SOON!!!
Exciting and easy new process. See page 6.
- **Avoid Filing Errors**
Please review the document you intend to file to ensure it is the correct document. Right click on the file name when you attach it via CM/ECF. Adobe Acrobat will open so you can view the document.

If you electronically file a document and discover a problem – contact the CM/ECF Help Line - 1-800-466-9302. **DO NOT** immediately re-file the document.
- **What NOT to file**
SUBPOENAS
PROPOSED ORDERS

Important Restrictions with regard to Interpreting Services

Please note that the Court Interpreters Act, 28 USC 1827, requires that assignments for interpretation must be awarded to interpreters that are certified by the AO. There are only two certified interpreters in the Kansas City area. One is Marcela Renna and her phone number is (913) 383-0400 and/or cell is (913) 406-5311. The other is Ivonne Hournou whose phone number is (816) 356-5151. It further states that only in a case in which no certified interpreter is reasonably available may the services of otherwise qualified interpreters be used. Should you have any questions about this please contact me at (816) 512-5017. Thank you for your cooperation in this matter.

INITIATING A NEW CIVIL CASE

The process for filing a new case is an easy one!



- The attorney or staff member emails a **completed** civil cover sheet (available on our webpage) to the Clerk's Office.

The civil cover sheet should be emailed to the following addresses:

Kansas City	kcgen@mow.uscourts.gov
Jefferson City	jcgen@mow.uscourts.gov
Springfield	sprgen@mow.uscourts.gov

Emailed civil cover sheets (in pdf) will be processed Monday - Friday between 9:00 am and 4:30 pm, during Clerk's Office public hours. Please keep this in mind when a deadline for filing a new case is approaching.

- ▶ A case number and judge are drawn upon receipt of the civil cover sheet by the Clerk's Office.
- ▶ A Clerk's Office employee will contact the attorney and give them the case number and judge assigned.
- ▶ The attorney must file the complaint or notice of removal as soon as possible after receiving notification from the court that the basic case information is available via CM/ECF.

The transmittal of the civil cover sheet **does not** constitute the filing of the case.



I KNOW IT'S HERE... BUT WHERE?

Have you ever had a document to file electronically, but you just couldn't find the appropriate ECF event code? Below are some common documents for which filers have had a difficult time finding the appropriate ECF event code:

<u>Document</u>	<u>Event Category</u>
Disclosure of Corporate Interest	Discovery Documents
Certificate of Service of Rule 26 Disclosures	Discovery Documents
Designation	Trial Documents
Designation of Neutral	Other Filings
Entry of Appearance	Notices
Unusual motions that don't fit any motion type listed	Motions*

*Under the *Motions* category you will find a motion type titled **ORDER**. This will allow you to file your motion and text for the type of relief you are seeking.



NOTICES REGARDING EXHIBIT ATTACHMENT are **not** filed separately, but rather as an attachment to the document to which it relates.

CIVIL COVER SHEETS are **not** filed separately. Cover sheets are an attachment to the Complaint or Notice of Removal.



AND



Administrative Office of the U.S. Courts
PACER Service Center

WHY TWO ACCOUNTS?

One of the questions the Clerk's Office receives from attorneys is "Why do I need both a CM/ECF and PACER account?"

Hopefully this will provide an answer to that question and others.

A CM/ECF login and password are issued by the Clerk's Office, upon completion of the Attorney/Participant Registration Form, to attorneys who are members of the Western District of Missouri Bar or who have been admitted Pro Hac Vice in a particular case. The CM/ECF login and password belong to the attorney and go with him/her wherever he/she practices. The CM/ECF login and password are to be used when electronically filing a document as they have the same effect as a signature. There isn't a fee associated with the issuance of a CM/ECF login and password nor is there a fee associated with usage of the login and password.

A PACER login and password are issued by the PACER Service Center.

They can be obtained online:
<http://pacer.psc.uscourts.gov>

or by calling 1-800-676-6856.

The issuance of a PACER login and password is not limited to attorneys. They will be given to law firms, attorneys, and members of the public. There isn't a fee associated with the issuance of a PACER login and password. There is a fee associated with the usage of a PACER login and password. The fee is \$.08 per page and will be billed on a quarterly basis. There is a maximum fee of \$2.40 per document.

Attorneys who are appointed under the Criminal Justice Act may obtain a separate exempt PACER login and password. This login and password **can only be used** when reviewing documents associated with the representation for which they were appointed. No charges will be accrued when this account is used. A CJA appointed attorney should obtain both an exempt login and password and a regular login and password.

Attorneys with a CM/ECF login and password will receive "one free look" at each document filed that is not sealed or filed ex parte. This free look is available through the Notice of Electronic Filing which is emailed when a filing is made. If an attorney wishes to view a document after using the free look the PACER login and password must be used.

Social Security cases have access restrictions imposed by the Judicial Conference of the United States. These restrictions limit access to documents to attorneys involved in the case. Therefore, when viewing documents associated with social security cases, after the free look has been used, it is necessary for the attorney of record to be logged into CM/ECF prior to entering the PACER login and password.

In summary, a CM/ECF login and password is used for filing documents and a PACER login and password is used to view documents after the free look has been used.

Fee Payment Options

There are a number of ways in which to pay your filing fees in the Western District of Missouri.

Pay by Credit Card Online!

The new **pay.gov** feature allows you to pay case filing fees, appellate filing fees and pro hac vice fees online by using a Mastercard, Visa, Discover or American Express Card. (See page to follow about exciting new procedure for payment of Annual Attorney Fees online).

- ▶ Leave the receipt number box blank



- ▶ Click *Next*
- ▶ Input your name and credit card information on the pay.gov screen

The program generates a receipt number and places it in the docket text.

Paying by credit online is the only way you can pay at the time of filing. All other methods require that you pay in advance.

IMPORTANT INFORMATION: Effective February 1, 2007 you will be REQUIRED to use the three digit credit card security code on the back of your card when paying online. This requirement has been initiated to enhance our continued vigilance in protecting your information.

Pay Cash, Check or Money Order at the Window

Pay the filing fee in advance, then input the receipt number in the box that appears during the filing of a complaint, appeal or pro hac vice motion.

Pay by Credit Card at the Window

Since payment with a credit card online is so easy, many prefer that method. However, we still accept credit card payment at the window. You can use your card in person, or you can file a credit card authorization with our finance department which will issue a password for your staff member to use at the window. Pay in advance, input receipt number.

****NEW** ANNUAL ATTORNEY DUES PROCESS**

EFFECTIVE WITH 2007 RENEWALS!!!!!!

The annual dues for attorneys have been reduced to **\$10.00** per year. Should you allow your status to lapse, the reinstatement fee has been reduced to **\$50.00**.

ANNUAL FEE STATEMENTS WILL BE MAILED OUT WITHIN THE NEXT TWO WEEKS.

Please take the time NOW to log into CM/ECF, go to Utilities/Maintain My Account and verify your address and email information. All dues **MUST** be paid by March 31 or your status will become delinquent and your filing passwords will be suspended. As of April 1, you will be required to pay the reinstatement fee.

For your convenience, and to enhance the processing time, **these dues should be paid online**, using a credit card. **EACH** attorney must log into the system, using his or her login and password. It is this individual login that will update your records. If you do not have a login and password please contact the court as soon as possible. Please note that the Western District of Missouri is a consolidated court so it is not necessary to renew in both District and Bankruptcy; one renewal is sufficient for both.

PLEASE take the time to read and follow the instructions which will come with your renewal notice. The process is very quick and has been designed for your convenience.

If you have questions with regard to attorney admissions, please email Laura Bax at laura_bax@mow.courts.gov.